

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

RICKEY LYNN CLOUD,

Petitioner,

vs.

WARDEN BILLY MITCHELL and
THE ATTORNEY GENERAL FOR
THE STATE OF ALABAMA,

Respondents.

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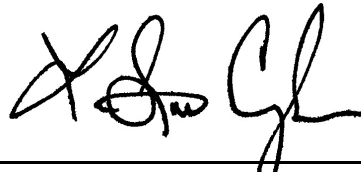
CV-08-LSC-RRA-2074-NE

MEMORANDUM OPINION

This is a habeas corpus petition. The magistrate judge entered a report and recommendation recommending that the action be dismissed to allow the petitioner to petition the Eleventh Circuit Court of Appeals for permission to file a successive petition in this court. No objections have been filed. The court has considered the entire file in this action, including the report and recommendation, and has reached an independent conclusion that the report and recommendation is due to be adopted and approved.

Accordingly, the court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. This habeas petition is due to be dismissed without prejudice. An appropriate order will be entered.

Done this 8th day of December 2008.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

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